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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION**

**PETTER INVESTMENTS, INC. d/b/a
RIVEER**, a Michigan corporation,

Plaintiff,

vs.

HYDRO ENGINEERING, INC., a Utah
corporation; and **CALIFORNIA CLEANING
SYSTEMS, INC.**, a California company,

Defendants.

**JOINT STIPULATED MOTION FOR
ADJUDICATION OF PLAINTIFF'S
SECOND AND THIRD CLAIMS FOR
RELIEF**

Civil Case No. 2:14-CV-00045-DB-DBP

Judge Dee Benson

In view of the rulings made in the Court's March 27, 2015 Claim Construction Order (*see* Dkt. No. 235) and the pending summary judgment motions (*see* Dkt. Nos. 181, 184), but without waiving its right to appeal those rulings and any others in this action, Plaintiff Petter Investments, Inc. ("Riveer") moves hereby for an adjudication of non-infringement on its Second and Third Claims for Relief. *See* Dkt. No. 65 at 11-14 (Second Amended Complaint).

Specifically, Riveer's Second Claim for Relief asserted infringement by Defendants Hydro Engineering, Inc. and CA Cleaning Systems, Inc. ("Hydro") of U.S. Patent No. 8,499,774 ("the '774 patent"). Hydro filed a motion for summary adjudication that its accused infringing "Drag Conveyor" product does not infringe the '774 patent (*see* Dkt. No. 181), and in view of the Court's March 27, 2015 Claim Construction Order, Riveer agrees hereby to an adjudication of non-infringement. Similarly, Riveer's Third Claim for Relief asserted infringement by Hydro of U.S. Patent No. 8,506,720 ("the '720 patent"). Hydro filed a motion for summary adjudication that its accused infringing "Drive-In Clean Out Tray" product does not infringe the '720 patent (*see* Dkt. No. 184), and in view of the Court's March 27, 2015 Claim Construction Order, Riveer agrees hereby to an adjudication of non-infringement.

Hydro joins and stipulates to Riveer's requested adjudication, and expressly reserves the right to present any and all grounds set forth in its pleadings, including its summary judgment and claim construction briefing, in support of this requested judgment on appeal. Therefore, the parties jointly request that this Court adjudicate Riveer's Second and Third Claims for Relief as follows, in view of the Court's March 27, 2015 Claim Construction Order: Hydro's accused infringing "Drag Conveyor" product does not infringe the '774 patent, and Hydro's accused infringing "Drive-In Clean Out Tray" product does not infringe the '720 patent.

Dated this 24th day of April, 2015.

/s/ Mark A. Miller

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